

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

**Directions:** Counsel must make a **docketing statement (civil/agency)** filed entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction** filed.

<b>Appeal No. &amp; Caption</b>	15-1406 Katherine Schiffbauer, et al. v. Lawrence Schmidt, et al.
<b>Originating No. &amp; Caption</b>	1:14-cv-02161 Schiffbauer, et al. v. Lawrence Schmidt, et al.
<b>Originating Court/Agency</b>	United States District Court for the District of Maryland

<b>Jurisdiction</b> (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	Title VI-Civil Rights Act of 1964	
Time allowed for filing in Court of Appeals	30 days	
Date of entry of order or judgment appealed	March 24, 2015	
Date notice of appeal or petition for review filed	April 20, 2015	
If cross appeal, date first appeal filed	N/A	
Date of filing any post-judgment motion	N/A	
Date order entered disposing of any post-judgment motion	N/A	
Date of filing any motion to extend appeal period	N/A	
Time for filing appeal extended to	N/A	
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

<b>Settlement</b> (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-521-4022.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

<b>Transcript</b> (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

<b>Case Handling Requirements</b> (answer any that apply)		
Case number of any prior appeal in same case	None	
Case number of any pending appeal in same case	None	
Identification of any case pending in this Court or Supreme Court raising similar issue	None	
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

<b>Nature of Case</b> (Nature of case and disposition below. Attach additional page if necessary.)
<p>Basically, this is a case involving abuse of a child with a disability and an IEP. David Mitchell, a worker at the school, used unjustified force against K.S., the boy involved. There was a violation of his constitutional rights, discrimination, a violation of Section 504 of the Rehabilitation Act of 1973, and of Title VI of the Civil Rights Act of 1964.</p>

**Issues** (Non-binding statement of issues on appeal. Attach additional page if necessary)

1. Individual Defendants acting in their official capacity are "Persons" within the meaning of Section 1983.
2. Qualified Immunity does not shield individual Defendants, acting in their individual capacity, from liability under Section 1983.
3. Individual Defendants are liable under Theory of Supervisory Liability.
4. Coverdell Teacher protection provides limited immunity for Defendants.
5. There is an allegation of violations of constitutional rights.
6. The Appellants state a claim under Title VI.

**Adverse Parties** (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Lawrence Schmidt, et al.

Attorney: Lisa Y. Settles, Esq.

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Adverse Party:

Attorney:

Address:

E-mail:

Phone:

**Adverse Parties (continued)**

Adverse Party:

Attorney:

Address:

E-mail:

Phone:

Adverse Party:

Attorney:

Address:

E-mail:

Phone:

**Appellant (Attach additional page if necessary.)**

Name: Katherine Schiffbauer, et al.

Attorney: James C. Strouse, Ph.D., J.D.  
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Name: Craig Schiffbauer, Next Friends of K.S.

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**Appellant (continued)**

Name:

Attorney:  
Address:

E-mail:

Phone:

Name:

Attorney:  
Address:

E-mail:

Phone:

Signature: /s/ James C. Strouse #09557Date: May 6, 2015Counsel for: Appellant

**Certificate of Service:** I certify that on May 6, 2015 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below (Attach additional page if necessary):

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Signature: /s/ James C. Strouse #09557Date: May 6, 2015